

United States District Court
Southern District of Texas
FILED

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

JAN 10 2017

for the

Southern District of Texas

Clerk of Court

United States of America
Jafet
Kenneth CALIX-Pacheco
YOB: 1998 Citizenship: El Salvador
1/10/17 lc

Case No.

M-17-0058-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2017 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 U.S.C. § 2252

Possession of Child Pornography


This criminal complaint is based on these facts:

On January 6, 2016, a cell phone belonging to Kenneth CALIX-Pacheco was found to have approximately 20 videos with content that was determined to meet the federal definition of child pornography.

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

Approved to file:


AUSA



Complainant's signature

Juan J. Flores, Jr., HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 1-10-172:47 pm



Judge's signature

City and state: McAllen, Texas

U.S. Magistrate Judge Peter E. Ormsby

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

On January 5, 2017, U.S. Homeland Security Investigations, McAllen, Texas, Specials Agents responded to the U.S. Border Patrol station in Weslaco, Texas to investigate the alleged possession of child pornography by El Salvadorian national Kenneth CALIX-Pacheco, who was apprehended during an attempt to illegally enter the U.S. by crossing the Rio Grande River. Weslaco Border Patrol Agents discovered what appeared to be videos of child pornography during a consensual search of CALIX-Pacheco's cellular telephone.

HSI McAllen Special Agents responded to the Weslaco, Texas Border Patrol Station and initiated an interview of CALIX-Pacheco. CALIX-Pacheco was read his Miranda Rights from a pre-printed form in the English language, acknowledged that he understood them, and waived his rights orally and in writing.

When questioned about the contents on his cellular phone, CALIX-Pacheco stated there were personal things he didn't want anyone to see. When questioned if there was anything illegal on his cell phone, CALIX-Pacheco admitted he had child pornography videos on his phone. He further stated the children in the videos were approximately 4 years old.

Based on the information gathered during the interview, HSI McAllen SA's applied for and were granted a federal search warrant for CALIX-Pacheco's cell phone for violations of Title 18, United States Code 2252, Possession of Child Pornography.

On January 6, 2017, HSI SA's executed the federal search warrant on CALIX-Pacheco's cell phone. A forensic examination of the cell phone yielded approximately 20 videos with content that was determined to meet the federal definition of child pornography.

CALIX-Pacheco knowingly possessed the cellular telephone which contained the images of child pornography that have been mailed, shipped, or transported, using any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce.